



WASHINGTON STATE DEPARTMENT OF
Natural Resources
Peter Goldmark - Commissioner of Public Lands

Application for Use of State-owned Aquatic Lands

Applicant Name: City of Bremerton
County: Kitsap County
Water Body: Port Washington Narrows
Type of Authorization - Use: Right-of-Entry
Authorization Number: 23-085298
Term: 2 years

Description: This agreement will allow the use of State-owned aquatic lands for the sole purpose of:

- 1) Removal of the derelict Chevron Pier and the shoreline rip-rap which extends onto State Aquatic lands;
- 2) Resculpting the formerly rip-rapped beach with gravel placement; and
- 3) Removal of debris located within the Port Washington Narrows.

The project is located in the Port Washington Narrows, in the city of Bremerton Kitsap County, Washington.

Date Submitted:
District: Shoreline District



WASHINGTON STATE DEPARTMENT OF
Natural Resources
Peter Goldmark - Commissioner of Public Lands

RECEIVED

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DNR - SPS

APPLICATION FOR AUTHORIZATION TO USE STATE-OWNED AQUATIC LANDS

No work can be started on the project area until a use authorization has been granted by the state Department of Natural Resources

I. SUBMISSION OF APPLICATION

This application form will be reviewed by the state Department of Natural Resources upon receipt at the address given below, and also posted on the DNR website as public information. Applicants will be notified in writing if the application will be accepted for further review. However, this application may be rejected at any time before signed execution of a use authorization.

APPLICATION MUST BE FILLED OUT IN BLUE OR BLACK PEN

Please send the completed application form to your region land manager at:

Linde Schmidt, Natural Resource Specialist,
Washington State Department of Natural Resources
Shoreline District Aquatics Region
950 Farman Avenue North
Enumclaw, WA 98022-9282

Enclose a \$25.00 non-refundable application processing fee with the application. (This fee is not required for local, state, and other government agencies).

II. APPLICANT INFORMATION

Date of Application: November 19, 2009

Authorization to be Issued To (how name is to appear in the lease document): City of Bremerton

Applicant's Representative: Tom Knuckey

Relationship to Applicant: Employee, Project Manager

Address: 3027 Olympus Drive

City: Bremerton

State: WA

Zip Code: 98310

Telephone: 360-473-2376

Fax: 360-473-5398

E-Mail:
Thomas.Knuckey@ci.bremerton.wa.us

FOR OFFICIAL USE ONLY

Support staff: Application Fee Received ☒ JARPA Received ☒ Date: 11/25/09

Land Manager: ☒ New Application; ☐ Renewal Application

Land Manager Initials TS

Land Manager: Type: (20, 21, 22, 23, 31, 51)

NaturE Use Code _____

Land Records: New Application Number 23-085298, Trust 25; County 18; AQR Plate No. TF18-015 Note 7
TF18-016 Note 6

EN
12-8-
2009

II. APPLICANT INFORMATION cont'

Department of Revenue Tax *Registration Number (Unified Business Identifier) is **Required**: 91-6001231

Which of the following applies to Applicant (**Check One and Attach written authority to sign** - bylaws, power of attorney, etc):

Corporation ☐
State of Registration:

Limited Partnership ☐
State of Registration:

General Partnership ☐
State of Registration:

Sole Proprietorship ☐

Marital Community ☐ Spouse:

Government Agency ☒

Other ☐ (Please Explain:)

Has the site use been authorized before or is it currently under lease? Yes ☐ Lease Number:

No ☐ Don't Know ☒

III. LOCATION

The Body of Water on which the state property is located:
Port Washington Narrows

County in which state property is located: Kitsap

Government Lot:

Section: 13

Township: 01E

Range: 24N

E ☒ or W ☐

Note: A legal property survey including the legal description and other information about the property is **required** to obtain a use authorization. WA DNR survey requirements are attached to this form. The survey plat will be attached to the lease/easement as Exhibit A. **DO NOT HAVE THIS SURVEY CONDUCTED UNTIL YOU HAVE BEEN NOTIFIED IN WRITING THAT THE APPLICATION HAS BEEN ACCEPTED FOR PROCESSING.**

Physical description of Project Area (For example, Marsh, Tideflat adjacent to the Chehalis River, etc.): The Evergreen Park Restoration/Expansion site is a 1.4-acre waterfront property located on the Port Washington Narrows. The site, which formerly contained a bulk fuel distribution facility that operated from prior to 1946 until circa 1988, was purchased by the City of Bremerton in 2005. It is currently unused, and adjacent to Evergreen Park. Existing structures on the property can be seen on Drawing Sheet 2, and within Washington DNR aquatic lands include a derelict pier, pilings, and dolphins proposed to be removed; 235 feet of wood and steel bulkheads proposed to be removed; and concrete rubble and shoreline armoring proposed to be removed. In addition to the work at the park site, concrete debris from the approximately 3,400 linear feet of beach area south of the park will be cleaned up.

Name of Owner(s) of Uplands, Shorelands, and/or Tidelands shoreward and adjacent to the Property: See JARPA Attachment A. This list includes all the properties south of the park, where cleanup of concrete debris will occur. Locations of each owner's property can be seen on JARPA Drawing Sheet 9 of 9..

Address: 1400 Park Avenue

City: Bremerton

State: WA

Zip Code: 98310

Phone Number: N/A

Fax Number N/A

E-mail: N/A

Note: Except for property located within established Harbor Areas, proof of ownership, or authorization to use the adjacent tideland, shoreland, or upland property may be required. If the applicant is the owner of the adjacent land, attach a copy of the deed.

County Parcel No(s). for adjacent properties, upland, and/or adjacent tideland properties: See JARPA Attachment C for all properties that are ADJACENT to the property owner parcels listed in JARPA Attachment A.

IV. USE OF PROPERTY

Describe, in detail, the proposed use of the Property:

The City of Bremerton (City) plans to clean up and restore the shoreline at an abandoned industrial site and redevelop the site into an expansion of Evergreen Park. The City will expand Evergreen Park by incorporating a 1.4 acre waterfront property located on the Port Washington Narrows (See Drawing Sheet 1, Vicinity Map). The property is an abandoned and contaminated former industrial property that the City acquired in 2005. Park expansion includes removal of existing fill, restoration of beach habitat and the intertidal environment to enhance habitat for important species such as forage fish and salmon, and new upland park facilities. Drawing Sheets 2 through 7 show the proposed park expansion and beach restoration work at the site.

Is or will the Property be subleased to another party? Yes ☐ No ☒
If yes, submit a copy of the sublease agreement.

What are the current and past uses of the site? The site, which formerly contained a bulk fuel distribution facility that operated from prior to 1946 until circa 1988, was purchased by the City of Bremerton in 2005. It is currently unused, and adjacent to Evergreen Park.

Do you have any knowledge of contamination of the site by toxic or hazardous substances, or of past uses or practices that might have lead to contamination by such substances? Yes ☒ No ☐

If so, please explain:

Petroleum Contaminated Soils

The site was used for bulk fuel storage from 1946 until approximately 1988. Environmental work at the site began in 1988 following demolition of the bulk fuel facility. Soil and groundwater samples were found to contain gasoline, diesel, and BTEX (benzene, toluene, ethylbenzene, and xylenes). Highly-impacted soils were generally found at depths of 5 to 12 feet consistent with the range of groundwater table fluctuations. Groundwater contamination was detected throughout the site.

Prior to purchasing the property in 2005, the City conducted sediment sampling on the beach adjacent to the site; the results of the sediment sampling showed that the sediment did not contain contaminants at concentrations harmful to ecological receptors. The City negotiated an agreed order with the Washington State Department of Ecology to remediate the existing fuel contamination at the site – this work was completed in 2009. The goal of the remedial clean up was to reduce soil and groundwater contamination to meet cleanup levels protective of human health and the environment. Cleanup was designed to address all site contaminated soils, including contaminated soils in areas to be excavated for construction of the new beach.

Comment from Ecology Site Manager Panjini Balaraju in response to Corps Permit Manager Olivia Romano's fax notification to State agencies following JARPA submittal:

Toxics Cleanup Program Panjini Balaraju, 360-407-6161

Recently the City of Bremerton has completed an Interim Action (IA) at the site. Basically the IA was designed to address all the contamination present at the site (eventually IA will become the final action at the Chevron site).

"Currently there is no product present at the site." As a part of the IA, they removed approximately 1400 cubic yards of TPH contaminated soils (sources) which included the removal of subsurface product transport pipe also. During the pipe removal, the associated TPH contaminated soils were also removed (in addition to 1400 cubic yards). During this excavation, we did not find the presence of any product (at locations where there was product before). After the removal of TPH contaminated soils, all the remaining residual subsurface TPH contamination was treated with RegenOx and Oxygen Releasing Compound.

However, there is lack of information just below the riprap (right adjacent to the site). Any TPH contamination that may potentially be present below the riprap must be addressed as a part of the shoreline sloping/softening design. Once the riprap is removed, soil samples must be collected below the riprap and analyzed for petroleum related contamination. If TPH concentrations exceed MTCA

cleanup levels, additional cleanup will be required. The City of Bremerton is aware of this situation and will work with all the involved people/agencies to address this issue, if warranted. Nonetheless, I would include this as a requirement as a part of the permit.

As described in Panjini's comments, residual contaminated soil beneath the riprap will be addressed under the Corps permit. Part of this rip rap lies within apparent DNR property as shown on the attached 11x17 Drawing C3. New beach gravel will be placed in areas shown on the drawing to a thickness of 3 feet.

Piling Sediments

Regarding removal of the existing derelict fueling pier and associated piling, we have been contacted by Ecology's Kevin MacLachlan and notified that sediment sampling near the piling will be a condition of the 401 certification. We anticipate that, if sediments are contaminated significantly, the pilings will be cut off below the mudline rather than being pulled. This decision will be made by Ecology. In any case, piling removal will be conducted according to published DNR Best Management Practices.

Do you know if any fill material has been placed on the property in question? Yes ☐ No ☒
If yes, please explain:

V. IMPROVEMENTS

Physical improvements are structures placed on the land that cannot be removed without damage to the land. Examples of such structures include: pilings, dolphins, piers, wharves, piling-supported buildings, structures built on fill or concrete foundations, buried pipelines and cables, and support structures for bridges.

What physical improvements currently exist on the site? (Photos may be required.) Existing structures on the property can be seen on Drawing Sheet 2. Structures on Washington DNR aquatic land include a derelict pier, pilings, and dolphins proposed to be removed; 235 feet of wood and steel bulkheads proposed to be removed; and concrete rubble and shoreline armoring proposed to be removed.

If there are physical improvements currently on the site, who owns them? The City of Bremerton (the Applicant)

If there are physical improvements currently on the site, describe their condition: Derelict

Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed? All existing physical improvements on Washington DNR aquatic land will be permanently removed.

Describe any physical improvements that the applicant is proposing to construct on the site: The applicant is not proposing to construct any structures on the Washington DNR aquatic land. Work will involve creation of a new beach through contouring and placement of new beach sand and gravel appropriate for forage fish spawning (beach nourishment)

Has any fill material been placed on the site? Yes ☒ No ☐

If Yes, please describe: Existing fill and rubble within a 700-square foot area on DNR Property to be removed as part of the project.

VI. LOCAL, STATE, AND FEDERAL REGULATORY PERMITS Copies of all Government Regulatory Permits, or Permit Waivers Are Required Before Issuance of a DNR Use Authorization. Your project may require all or

some of the following.

Please include the following permit applications, permits, or waivers with the application:

JARPA (Joint Aquatic Resource Permit Application) - This one form is used to apply for all of the following individual permits:

1. Section 10 Permit (Required by the US Army Corps of Engineers for any work in or affecting navigable waters, e.g., floats, docks, piers, dredging, pilings, bridges, overhead power lines.)
2. Shoreline Substantial Development, Conditional Use, Variance Permit or Exemption (Issued by Local Government, and is required for work or activity in the 100 year flood plain, or within 200 feet of the Ordinary High Water mark of certain waters; and which included any one of the following: dumping, drilling, dredging, filling, placement or alteration of structures or any activity which substantially interferes with normal public use of the waters.)
3. Hydraulic Project Approval (Required by the Department of Fish and Wildlife if the project includes work that will use, divert, obstruct, or change the natural flow or bed of any fresh or salt water of the state.)
4. Section 404 Permit (Required by the US Army Corps of Engineers if your project will discharge or excavate any dredged or fill material waterward of the Ordinary High Water mark or the Mean Higher High Tide Line in tidal areas.)
5. Section 401 Water Quality Certification (Required by the Department of Ecology if a Section 404 permit is required.)

NPDES (National Pollutant Discharge Elimination System Permit) - Required by the Department of Ecology under delegated authority from the Federal Environmental Protection Agency for projects that include the discharge of fluid on or into surface water.

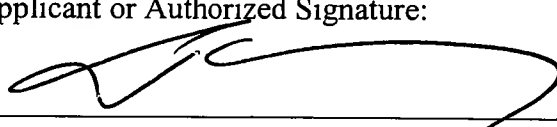
SEPA (State Environmental Policy Act) Checklist and Environmental Assessments - When you submit a permit application to any agency, if the project is not exempt, the lead agency will ask you to fill out an environmental checklist. Based on checklist answers and the reviewer's knowledge of the project site, agency personnel will determine the types of impacts the project may have on the environment. The agency assessments may be the following forms: Determination of Non-significance, Determination of Significance, scoping documents, draft or final Environmental Impact Statements (EIS) or others prepared for the purpose of compliance.

Describe any habitat mitigation required by any of the permitting agencies identified above and identify where such mitigation is proposed to occur:

- *The SEPA Checklist was submitted to the City of Bremerton in October 2009.*
- *The JARPA (copy attached) was submitted to the Corps for a Nationwide Permit # 27, to Ecology for Section 401 Water Quality Certification, and to the City of Bremerton for a Shoreline Conditional Use Permit in October 2009.*
- *The JARPA was submitted electronically to WDFW for an HPA on November 11, 2009.*
- *The NPDES Notice of Intent will be submitted to Ecology and publicly noticed in a local newspaper prior to start of construction*

None of the permits or the SEPA Determination have been issued yet. As they are issued, copies will be forwarded to Washington DNR to accompany this application. No project mitigation has been discussed or is anticipated..

All answers and statements are true and correct to the best of my knowledge.

Applicant Name (please print): Tom Knuckey, P.E.	Title: Managing Engineer
Applicant or Authorized Signature: 	Date: 11/24/09

WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES REQUIREMENTS FOR RECORDS OF SURVEY FOR LEASES AND EASEMENTS

Records of Survey are required for easements and leases granted by the department for:

- County roads
- Highways
- Easements across high value lands
- Easements across transition lands
- Utilities
- Upland leases
- Communication sites
- Drainage or irrigation easements
- Railroads
- Aquatic land uses: exemptions are provided for recreational docks and mooring buoys per RCW 79.105.430 and for those permits issued as a Right of Entry
- Other grants as determined by the department based upon site specific considerations

The applicant is responsible for:

- All costs and work associated with creating, submitting, revising and recording the Record of Survey
- Submitting a preliminary Record of Survey for review and approval by the department prior to approval of the agreement.
- Recording the final Record of Survey with the county auditor's office.
- Submitting a digital copy in AutoCAD.DWG or DXF (drawing exchange format) of the final survey.
- Submitting two full size copies and one 8 ½ X 11" copy and of the recorded survey including the auditor's recording information to the department.

A Record of Survey must:

1. **Be produced by a licensed surveyor.**
2. **Meet the requirements of Title 58 RCW and Chapter 332-130 WAC.**
3. Include the name of the applicant, the purpose of the easement or lease and the DNR easement or lease number.
4. Clearly show easement or lease boundaries with distances and directions of all boundary lines.
5. Show the easement or lease area to an accuracy of (\pm) 0.5% of the total area or (\pm) 10 square feet, whichever is greater.
6. **(Not required for aquatic lands lease across the bed of Puget Sound or the Pacific Ocean)** Indicate the acreage encompassed by the lease or easement within each quarter-quarter section or government lot.
7. Show distances and directions from two or more controlling corners of a recorded subdivision, recorded survey or government survey (GLO) corners.
8. Be related by meridian and coordinate to the Washington Coordinate System NAD'83(1991) by closed ties to NGS Control monuments, or the extension thereof. The designation of the control stations used shall appear on the plat.
9. Include a narrative legal description describing the servient estate (grantor's parcel) on the Record of Survey.
10. Show a detailed plan of improvements to be constructed or already existing on the easement or lease area. All improvements must be shown in sufficient detail to determine what they are used for and to ensure they are entirely within the easement area.
11. Show the location of any proposed utility.
12. **(linear lease or easement)** Show the lineal footage along the centerline.
13. **(linear lease or easement)** Show the complete alignment information and width including any necessary curve data.

A Record of Survey must (cont.):

14. **(Easements or leases crossing a section line or state ownership boundary, not required for aquatic lands lease across the bed of Puget Sound or the Pacific Ocean)** Provide ties to the centerline of an easement along the section or subdivision line from the nearest appropriate Public Land Survey System (PLSS) section corner, quarter section or subdivision corner, where the easement enters and leaves the section or state ownership.
15. **(Easements or leases falling entirely within one section and not crossing a section line or state ownership boundary)** Provide ties from both end points of the linear easement to PLSS corners or other subdivision corners shall be provided.
16. **(A lease which encroaches on a previously leased site)** Show the boundary for the senior lease in the vicinity of the proposed lease shall also be shown, together with ties between the two leases sufficient to determine the full extent of the encroachments.

Additional Requirements for Communication Site Leases

17. Show ties to the corners of previously monumented communication sites adjacent to, or in the immediate vicinity of the proposed communication site.
18. Show access to the site.
19. Mark the corners of the communication site, as described and granted, with substantial permanent magnetically locatable monuments. The monuments shall be in place and obviously marked on the ground after the construction of installations and improvements.
20. Show the center of any communication site tower by Washington Plane Coordinates, NAD83 (1991), or latitude and longitude. NAD83 datum must be used to determine global location coordinates and must be in **decimal degrees**. Coordinates must have at least five decimal places to the right of the decimal point and include a negative longitude.
21. On all communication sites where towers or beam paths are shown, an elevation is required at the base of the tower.
22. Show the tower height, and the height of the antenna or microwave dish and any beam path used shall have the diameter and tilt thereof shown.
23. The elevation shall be derived from an established benchmark in the vicinity of the site, or an elevation designated by the Department of Natural Resources.

Additional Requirements for Aquatic Land Uses

24. The lease of aquatic lands is often subject to preference rights. Applicants and surveyors should carefully determine the direction, and show details of the proration of coves and irregular shoreline.
25. **(lease sites which contain existing or proposed structures and improvements that are classified as a non water-dependent or a water oriented use as described within RCW 79.105.060 and WAC 332-30-106)** Provide the square footage of each structure and improvement.
26. Where applicable, the survey of aquatic lands must show the location of the following lines for:
 - a. Tidal areas –Government meander line, the original and current locations of line of mean high tide, line of mean low tide, and line of extreme low tide. The survey must include the name of tidal bench mark(s) used or describe the alternate method employed for determining a Tidal Datum. **Lease areas which contain tidelands and bedlands** at a minimum must show the location of the line of extreme low tide crossing the lease area. **Lease areas containing bedlands exclusively** may be required to show the relationship to the line of extreme low tide and the -18 foot contour line only.

Additional Requirements for Aquatic Land Uses (cont.):

- b. Lakes – Government meander line, line of ordinary high water (original ordinary high water if the lake has experienced artificial raising or lowering of the water level), and line of ordinary low water (include source of data) and line of navigability if established.
- c. Rivers - Line of ordinary high water and line of ordinary low water (include source of data) and line of navigability if established.
- d. Lots and blocks of platted tide lands or shore lands, inner and outer harbor lines, waterway lines, street boundaries, any local construction limit lines, any dredge or fill areas, and easements of record within the lease site.
- e. All lines must be shown in sufficient detail to compute and show the area of each area of State-owned bedlands, tidelands, shore lands, harbor area, or waterways included within the proposed lease site.

Include any other data necessary for the complete understanding of the information shown on the survey. If, in the opinion of the department, such information is lacking, the survey may be rejected.

Record of Survey Revisions:

- 27. Any differences between the as-built road and the regulation plat must be reflected in a revised Record of Survey and recorded with the county by the applicant.
- 28. When any portion of the completed improvements are located outside of the granted lease site, the as-built locations must be reflected in a revised Record of Survey and legal description. In this instance, a new application for an amended lease site may be required if the as-built location creates adverse impacts. In the case of linear leases across the bed lands of the sound or the ocean, an as-built Record of Survey and a revised legal description of the linear lease must be provided.

Survey Information updated July 2002.

For additional information contact one of the following region offices:

Southeast Region

713 Bowers Rd
Ellensburg, WA 98926-9341
509-925-8510
TTY: 509-925-8527

Northeast Region

P.O. Box 190
225 S Silke Rd
Colville, WA 99114-0190
360-684-7474
TTY: 509-684-7474

Olympic Region

411 Tillicum Ln
Forks, WA 98331-9797
360-374-2800
TTY: 360-374-2819

Pacific Cascade Region

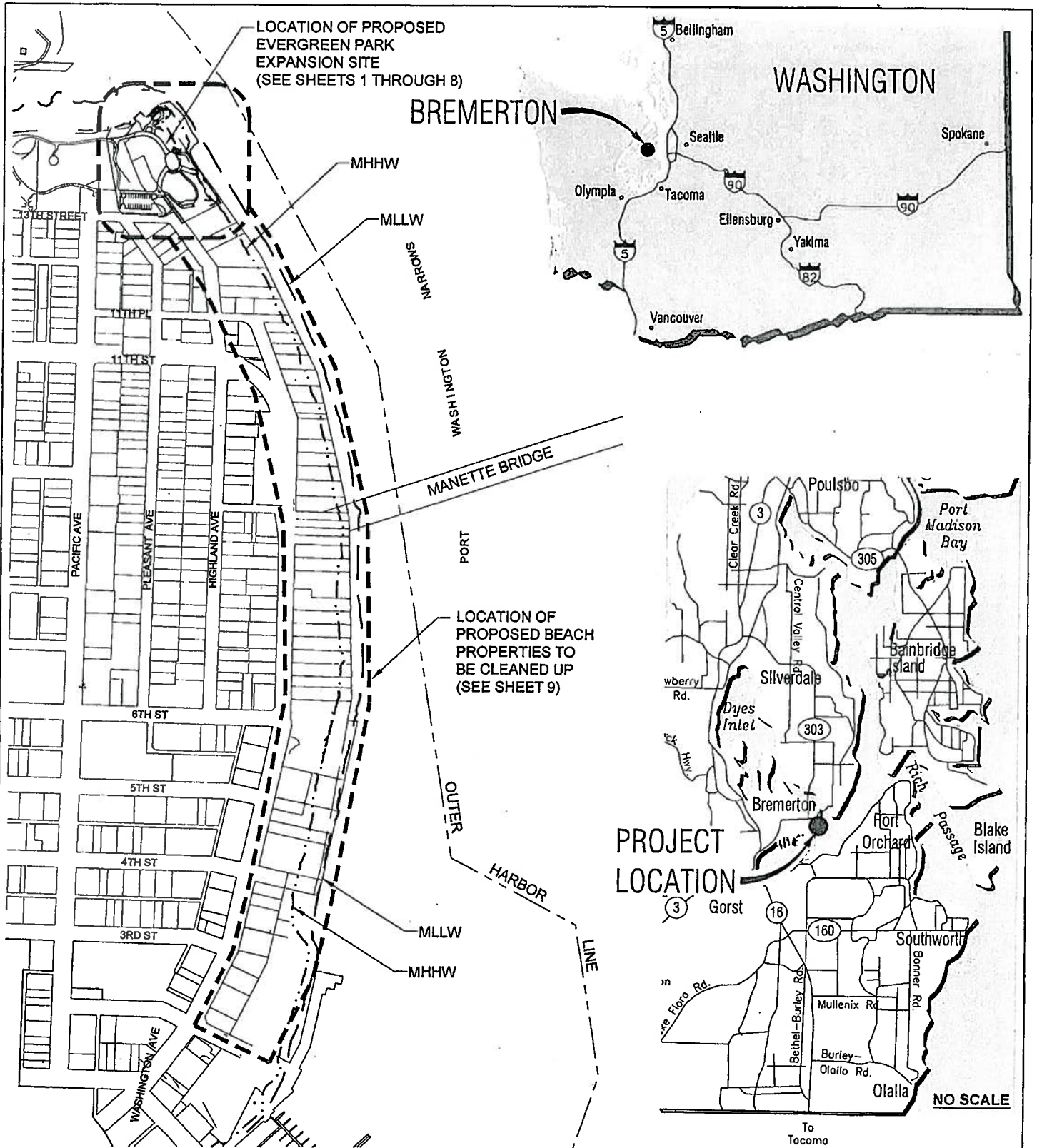
P.O. Box 280
601 Bond Rd
Castle Rock, WA 98611-0280
360-577-2025
TTY: 360-577-2025

Northwest Region

919 N Township St
Sedro-Woolley, WA 98284-9333
360-856-3500
TTY: 360-856-1371

South Puget Sound Region

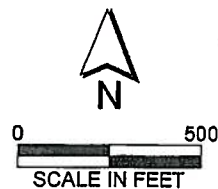
950 Farman Ave N
Enumclaw, WA 98022-9282
360-825-1631
TTY: 360-825-6381



PURPOSE: TO CONSTRUCT AN EXPANSION OF EVERGREEN ROTARY PARK, INCLUDING SHORELINE RESTORATION

DATUM: VERT: NAVD 88
 HORIZ: NAD 83/91 WA NORTH
 LAT/LONG: 47° 34' 122° 37"
 ADJACENT PROPERTY OWNER:
 SEE JARPA ATTACHMENT C

VICINITY MAP



**EVERGREEN PARK RESTORATION/
 EXPANSION PROJECT**

IN: SECTION 13, TOWNSHIP 24N, RANGE 1E
 CITY OF: BREMERTON
 BODY OF WATER: PORT WASHINGTON NARROWS
 COUNTY OF: KITSAP STATE OF: WA
 APPLICATION BY: CITY OF BREMERTON
 DEPT OF PUBLIC WORKS AND UTILITIES
 SHEET 1 OF 9
 OCTOBER 2009